

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

CHRISTOPHER E. BROWN,

Plaintiff,

v.

ST. JOHN'S UNIVERSITY,

Defendant.

Civil Action No. 08-CV-2218

Hon. J. Ross

Hon. M.J. Pohorelsky

**ANSWER OF DEFENDANT LANGAN
ENGINEERING AND
ENVIRONMENTAL SERVICES, INC.
TO GCA SERVICES GROUP, INC.'S
CROSS-CLAIMS**

ST. JOHN'S UNIVERSITY,

Third-Party Plaintiff,

v.

GCA SERVICES GROUP, INC., and
BUTLER ROGERS BASKETT,

Third-Party Defendants.

BUTLER ROGERS BASKETT,

Fourth-Party Plaintiff,

v.

H.M. WHITE SITE ARCHITECTS,
SKANSKA USA BUILDING, INC. and
LANGAN ENGINEERING AND
ENVIRONMENTAL SERVICES, INC.

Fourth-Party Defendants.

Defendant Langan Engineering and Environmental Services, Inc. (“Langan”) by its attorneys Sedgwick, Detert, Moran & Arnold LLP, as and for its response to GCA Services Group, Inc. (“GCA”) Cross Claims in its Answer to the First Amended Complaint (“GCA’s Cross Claim”), states as follows:

AS AND FOR A CROSS CLAIM FOR COMMON LAW INDEMNIFICATION AGAINST CO-DEFENDANTS ST. JOHN’S UNIVERISTY, BUTLER ROGERS BASKETT ARCHITECTS, P.C., HM WHITE SITE ARCHITECTS, SKANSKA USA BUILDING, INC., AND LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC., THIS DEFENDANT ALLEGES THE FOLLOWING:

In this portion of GCA’s Cross Claim, GCA states legal conclusions which require no response. To the extent a response is required, Langan denies the allegations made in this portion of GCA’s Cross Claim.

AS AND FOR A CROSS CLAIM FOR COMMON LAW CONTRIBUTION AGAINST CO-DEFENDANTS ST. JOHN’S UNIVERISTY, BUTLER ROGERS BASKETT ARCHITECTS, P.C., HM WHITE SITE ARCHITECTS, SKANSKA USA BUILDING, INC., AND LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC., THIS DEFENDANT ALLEGES THE FOLLOWING:

In this portion of GCA’s Cross Claim, GCA states legal conclusions which require no response. To the extent a response is required, Langan denies the allegations made in this portion of GCA’s Cross Claim.

AS AND FOR LANGAN’S AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

FIRST: GCA’s Cross Claim fails to state a cause of action against Langan upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

SECOND: Christopher Brown has failed to state a cause of action against GCA or any other person for which Langan may be required to contribute to or indemnify any person..

THIRD AFFIRMATIVE DEFENSE

THIRD: GCA failed to make a demand for contribution or indemnification from Langan.

FOURTH AFFIRMATIVE DEFENSE

FOURTH: No contribution or indemnity is permitted for violations of the American with Disabilities Act.

FIFTH AFFIRMATIVE DEFENSE

FIFTH: GCA has failed to mitigate its damages.

SIXTH AFFIRMATIVE DEFENSE

SIXTH: Langan did not breach any duties owed to GCA or St. John.

SEVENTH AFFIRMATIVE DEFENSE

SEVENTH: Langan did not breach any duties owed to Christopher Brown.

EIGHTH AFFIRMATIVE DEFENSE

EIGHTH: GCA's claim is not ripe.

NINTH AFFIRMATIVE DEFENSE

NINTH: GCA lacks standing to bring its causes of action against Langan.

TENTH AFFIRMATIVE DEFENSE

TENTH: GCA's claim is barred, in whole or in part, by the doctrines of equitable estoppel, judicial estoppel, waiver, laches, and/or unclean hands.

ELEVENTH AFFIRMATIVE DEFENSE

ELEVENTH: GCA's alleged damages were caused, in whole or in part, by the negligence or other culpable conduct of one or more persons or entities over which Langan had no control.

TWELFTH AFFIRMATIVE DEFENSE

TWELFTH: GCA has failed to allege the circumstances relating to the claims asserted therein with sufficient particularity to enable Langan to determine whether it may have additional defenses in this action, and Langan reserves the right to assert such additional defenses as are ascertained through discovery.

WHEREFORE, Cross Claim Defendant Langan respectfully requests that this Court deny all of the relief requested by GCA in its Cross Claim, and further requests its costs, fees, and disbursements, together with such other and further relief as this Court may deem just and proper.

Respectfully submitted,

DATED: November 9, 2009

s/ William J. Brennan

J. Gregory Lahr (JL-9969)
William J. Brennan (WB-0742)
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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2009, a true and correct copy of the foregoing has been filed via ECF in compliance with Local Rule 5.2.

s/ William J. Brennan